

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
U.S. BANKRUPTCY COURT, WDNC

DEC - 3 2018

Steven T. Salata, Clerk  
Charlotte Division/CCH

In Re:

ACE MOTOR ACCEPTANCE  
CORPORATION,

Debtor.

Case No: 18-30426  
Chapter 11

ACE MOTORS ACCEPTANCE  
CORPORATION,

Plaintiff.

Adversary Proceeding No 18-3036

v.

MCCOY MOTORS, LLC, MCCOY  
MOTORS, LLC d/b/a RIDE FAST;  
ROBERT MCCOY JR. and MISTY  
MCCOY,

Defendants.

**MOTION FOR ORDER TO DISMISS/REMOVE JAMES HENDERSON AS  
PLAINTIFFS/ DEBTORS ATTORNEY, REFER JAMES HENDERSON TO THE US  
ATTORNEY FOR PERJURY AND NC BAR FOR VIOLATION OF RULES  
PROFESSIONAL CONDUCT REQUEST FOR HEARING DATE OF DECEMBER 18,  
2018.**

1. On November 6<sup>th</sup> James (Jim) Henderson took the stand as a witness against the Defendants. McCoy (Pro Se) asked Mr. Henderson had he sent the WSOC-TV link which reflected badly on McCoy to anyone. Henderson responded NO, McCoy pressed Mr. Henderson again trying to give him a chance to tell the truth as opposed to the lie he just told. Mr. Henderson's response this time was only to your attorney (which McCoy doesn't have since he is Pro Se). The attached exhibits will show where Mr. Henderson lied under oath and to the court sending the link to numerous people. This may seem small in some cases, but considering this lie was told by an Attorney of Approximately 30 years it is an insult to the court and was done so with Malice.



2. NC Bar Rule 3.7 discusses "LAWYER AS WITNESS" (a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:

(1) the testimony relates to an uncontested issue; Mr. Henderson on or about June 12, 2018 sent out 125-160 letters to customers in which he specifically asked the customers to "please contact me at my email address above." Mr. Henderson also spoke to some of these customers on the phone, therefore putting himself into a position to become a likely necessary witness. He also refers to them as "AMAC Customer" which McCoy disputes and is a highly contested issue, in fact really the whole point of the Adversary Proceeding. In fact Mr. Henderson has already called himself as a witness thereby opening the door to him being called again in the future.

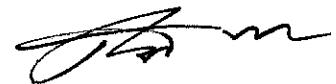
a. [1] Combining the roles of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer and client.

3. NC Bar Rule 4.4 Respect for Rights of Third Persons (Bullying) "(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person." "[1] Responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of third persons. It is impractical to catalogue all such rights, but they include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship." "[2] Threats, bullying, harassment, insults, slurs, personal attacks, unfounded personal accusations generally serve no substantial purpose other than to embarrass, delay, or burden others and violate this rule. Conduct that serves no substantial purpose other than to intimidate, humiliate, or embarrass lawyers, litigants, witnesses, or other persons with whom a lawyer interacts while representing a client also violates this rule. See also Rule 3.5(a) (prohibiting conduct intended to disrupt a tribunal) and Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice)."

a. Mr. Henderson continues to bring up McCoy's son referring to him as a "20-year old college student" this is true in its words but is meant as a way to Bully and Embarrass a Third Party. It also serves no "substantial purpose" especially considering McCoy's son is about to graduate and will no longer be a "student" in less than 10 days.

b. Mr. Henderson is also trying to use a Third Person to obtain evidence from them. By making a motion to put Flash Autos LLC into receivership. Flash Autos LLC is a Third Party and Foreign Corporation to the State of North Carolina.

4. Helping his client's violate the Judge's Order: On March 29<sup>th</sup>, 2018 Judge Whitley issued an order (Document 32) that said Robin Milestone's Salary be \$7,745 per month. On November 6<sup>th</sup>, 2018 McCoy asked Mr. Milestone his current salary (Mr. Henderson objected: Why object unless you knew what was about to come and it should be public information considering his clients are in Bankruptcy). Mr. Milestone reluctantly admitted his Salary was \$10,000 a month, therefore violating the Judge's previous Order. In fact Mr. Henderson approximately 6 weeks after that order requested a Bonus for



Employee's including Mr. Milestone in which Mr. Henderson states Mr. Milestones salary as \$10,000 a month (Document 68). Document 68 is only 5 pages long so there is no excuse for Mr. Henderson not knowing of the change. Please keep in mind this was caught by a Pro Se Defendant with only a high school education. If legal experts and such were watching the Plaintiff's / Debtor's I feel many more items would have been caught. I also feel this is Contempt of Court and that Mr. Milestone should have to pay the money back to the Estate. However, I personally am not asking for that at this time. I think that motion should come from other parties.

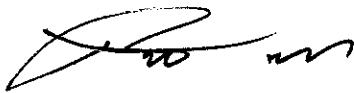
Mr. Henderson who is someone that should know better with his background and Law Degree. He has shown a blatant disrespect for the court, the rules, the Defendant's (Yelling at McCoy to SHUT-UP causing him to be fined by the Judge). He has also did a disservice to his Clients/ the Estate, billing them for his NC Bar complaint. Ignorance is no excuse applies to every citizen. I feel that it especially applies to a Lawyer and member of the NC Bar.

WHEREFORE, the Defendant prays that it be granted the relief set forth herein, together with other such relief as is just under the circumstances.

#### CERTIFICATE OF SERVICE

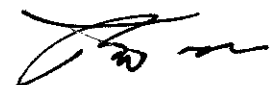
This is to certify that I this day served a copy of the attached DEFENDANT'S MOTION FOR APPOINTMENT OF RECEIVER via Clerk of Court via all parties or their attorney of record requesting notice and via email and/or the United States Post Office to the following:

This 3<sup>rd</sup> day of December, 2018.



Robert McCoy  
[mccoymotors@live.com](mailto:mccoymotors@live.com)  
[mmmccoy@hotmail.com](mailto:mmmccoy@hotmail.com)  
[robmccoy@comporium.net](mailto:robmccoy@comporium.net)

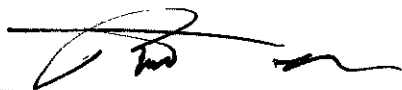
LANG LAW FIRM  
/s/ Kristin Harmon Lang  
Kristin Harmon Lang, Esquire  
North Carolina Bar No.: 20539  
2439 Plantation Center Drive  
Matthews, NC 28105  
Phone: 704-907-2203



Fax: 704-847-1452  
[kharmonlang@gmail.com](mailto:kharmonlang@gmail.com)

THE HENDERSON LAW FIRM  
/s/ James H. Henderson  
James H. Henderson  
State Bar No. 13536  
1201 Harding Place  
Charlotte, NC 28105  
Phone: 704-333-3444  
Fax: 704-333-5003  
[henderson@title11.com](mailto:henderson@title11.com)

Respectfully submitted this 3rd day of December, 2018

A handwritten signature in black ink, appearing to read 'Robert McCoy Jr.', is written over a horizontal line.

Robert McCoy Jr.  
11915 John K Hall Way  
Charlotte, NC 28277  
Email: [robmccoy@comporium.net](mailto:robmccoy@comporium.net)

EXHIBIT  
A

Zimbra

robmccoy@comporium.net

**ATTN: Regina Wheeler, Re: Grievance of Robert McCoy, file no. 18GO655**

**From :** Jim Henderson <henderson@title11.com> Thu, Aug 30, 2018 07:29 PM  
**Subject :** ATTN: Regina Wheeler, Re: Grievance of Robert McCoy, file no. 18GO655 2 attachments  
**To :** kjean@ncbar.gov  
**Cc :** Robin Milestone  
<rmilestone@acemotoracceptance.com>, 'Rob McCoy' <robmccoy@comporium.net>, Kris Lang <kharonlang@gmail.com>


Please add the following to the NC State Bar's file on this matter:

1. August 1, 2018 Order of the US Bankruptcy Court, which supports the legal accuracy of the comments made in the letter which is the subject of the complaint; and
2. <https://www.wsoc.tv.com/news/action-9/fort-mill-car-dealership-accused-of-fraud-in-18-million-lawsuit/823990812>, which is further evidence that the complaining party Rob McCoy is engaging in fraudulent business activities.

The Henderson Law Firm

James H. Henderson  
1201 Harding Place  
Charlotte, North Carolina 28204

T 704.333.3444  
F 704.333.5003  
E henderson@title11.com<mailto:henderson@title11.com>

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6 KB

 **Ace McCoy August 1 ORDER preliminary injunction.pdf**  
217 KB



Zimbra

robmccoy@comporium.net

**RE: Ace Motor Acceptance v McCoy**

**From :** Jim Henderson <henderson@title11.com> Thu, Aug 30, 2018 07:12 PM  
**Subject :** RE: Ace Motor Acceptance v McCoy 1 attachment  
**To :** Derrick Jackson <dj@tobywardlaw.com>  
**Cc :** Robin Milestone  
<rmilestone@acemotoracceptance.com>, Russ  
Algood <russ@acemotoracceptance.com>,  
Michael Martinez <mmartinez@grierlaw.com>,  
Shelley\_Abel  
<shelley\_abel@ncwba.uscourts.gov>, Kris Lang  
<kharmonlang@gmail.com>, 'Rob McCoy'  
<robmccoy@comporium.net>, Robin Milestone  
<rmilestone@acemotoracceptance.com>

FYI <https://www.wsoctv.com/news/action-9/fort-mill-car-dealership-accused-of-fraud-in-18-million-lawsuit/823990812>

The Henderson Law Firm

James H. Henderson  
1201 Harding Place  
Charlotte, North Carolina 28204

T 704.333.3444  
F 704.333.5003  
E henderson@title11.com<mailto:henderson@title11.com>

From: Jim Henderson  
Sent: Wednesday, August 29, 2018 12:59 PM  
To: Derrick Jackson <dj@tobywardlaw.com>  
Cc: Robin Milestone <rmilestone@acemotoracceptance.com>; Russ  
Algood <russ@acemotoracceptance.com>; Michael Martinez  
<mmartinez@grierlaw.com>; Shelley\_Abel  
<shelley\_abel@ncwba.uscourts.gov>  
Subject: Fwd: Ace Motor Acceptance, NextGear issues

Derrick, my client has cross checked its records against the 79 vehicles on the attached two lists and none of the vehicles appear to be collateral for any of the retail installment contracts that Ace purchased from McCoy Motors. Does NextGear own contracts related to these vehicles, or does NextGear have a



lien on the title to these vehicles? If so, please send documents demonstrating that.

If the vehicles are not subject to specific lien of NextGear, there is another issue that needs to be addressed in responding to your request that I "...verify with your client if it contends any of these are subject to its security interests and if so, which ones." I'm copying email to the attorney for the Unsecured Creditor's Committee and to the US Bankruptcy Administrator (our version of US Trustee) so they can provide any input they may have about my response to that request.

I believe you've reviewed Judge Whitley's August 1 order in the McCoy adversary proceeding. It finds that Ace has a properly perfected security interest in all of the assets of McCoy Motors, including inventory. So if the vehicles on the lists attached to your email are in the McCoy Motors' inventory, Ace's secured interest in those vehicles is property of the bankruptcy estate. In looking over the South Carolina UCC filings (summary attached), I don't see Nextgear Capital. I do see that AMAC is way down the list and suspect that AMAC is "out of the money" as to most if not all of McCoy Motors' personal property. However, before I can address your request and figure out what to do (i.e. perhaps consent order granting relief from stay), I need to do due diligence as to i) the value of the vehicles and ii) the amount of the debt owed to McCoy Motors' creditors which have liens with priority over AMAC's lien. If there is no equity in any of the vehicles for AMAC, then AMAC's lien is worthless and we may be able to work towards a consent order even if NextGear doesn't have a UCC filed.

Jim Henderson  
The Henderson Law Firm, PLLC

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From: Derrick Jackson  
<dj@tobywardlaw.com<mailto:dj@tobywardlaw.com>>  
Sent: Monday, August 27, 2018 5:30 PM  
To: Jim Henderson  
Subject: Ace Motor Acceptance vs. McCoy Motors, LLC

Jim:

Thank you for speaking with me this afternoon. As we discussed, I represent NextGear Capital who is a floorplan financier for McCoy Motors, LLC. Our client would like us to do a claim and delivery action on its collateral, but of course we don't want to do anything against property of the bankruptcy estate.

Attached is an inventory detail report for Ride Fast showing a description and VIN # for our collateral. Please verify with your client if it contends any of these are subject to



its security interests and if so, which ones.

As you know in these kinds of cases, time is of the essence.

Thanks for your help.

J. Derrick Jackson  
Tobias G. Ward, Jr. PA  
Post Office Box 50124  
Columbia, SC 29250  
(803) 708-4200 (Phone)  
(803) 403-8754 (Fax)  
dj@tobywardlaw.com<mailto:dj@tobywardlaw.com>

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Average Receivables	28,836,369	26,689,403	20,603,758	13,672,895	8,277,703
	1	0.93	0.71	0.47	0.29
	(0.07)	(0.21)	(0.24)	(0.19)	(0.10)

**G&A EXPENSES**

March

April

May

June

July

**Fixed**

RENT	12,600	12,600	12,600	12,600	12,600
Lease Maintenance	400	400	400	400	400
INSURANCE	2,000	2,000	2,000	2,000	2,000
DATA PROCESSING	8,000	8,000	8,000	8,000	8,000
LICENSES & TAXES	2,417	2,417	2,417	2,417	2,417
LEGAL/PROFESSIONAL FEES	5,000	5,000	5,000	5,000	5,000
TRAVEL	500	500	500	500	500

**Variable**

Debit Card Administrative Fee	7,058	6,532	5,043	3,346	2,026
UTILITIES	3,000	2,777	2,144	1,422	861
TELEPHONE	12,172	11,266	8,697	5,771	3,494
SUPPLIES	1,500	1,388	1,072	711	431
POSTAGE	4,266	3,948	3,048	2,023	1,225
TRAINING	1,198	1,109	856	568	344
OUTSIDE SERVICES	10,287	9,521	7,350	4,877	2,953
Repossession Expense	13,483	12,479	9,634	6,393	3,870
COLLECTION EXPENSE	1,602	1,483	1,145	760	460
Floor Plan Expense	2,702	2,501	1,930	1,281	776
<b>TOTAL G&amp;A EXPENSES</b>	<b>88,185</b>	<b>83,921</b>	<b>71,835</b>	<b>58,071</b>	<b>47,356</b>

**Payroll**

NERFETTIE ELLIS-JORDAN	5,839	5,839	5,839	5,839	5,839
TUANT BENNETT	2,961	2,961	2,961	2,961	2,961
JAY DEVINE	2,862	2,862	2,862	2,862	2,862
MICHAEL EVANS	3,975	3,975	3,975	3,975	3,975
CHASITIE GAINEY	3,985	3,985	3,985	3,985	3,985
SHANNON MARTINEZ	3,468	3,468	3,468	3,468	3,468
LORENA MOLINA	3,491	3,491	3,491	3,491	3,491
JAIR MORALES SALAZAR	2,961	2,961	2,961	2,961	2,961
DENYS SENICH	2,455	2,455	2,455	2,455	2,455
ANASHEYA SMITH	2,369	2,369	2,369	2,369	2,369
* ROBIN MILESTONE	7,745	7,745	7,745	7,745	7,745
SHANOVAN REDDICK	3,575	3,575	3,575	3,575	
ROBERT TROY	3,662	3,662	3,662	3,662	
STEPHANIE CATE	7,652	7,652	7,652		
DEBORAH DUFFY	3,532	3,532	3,532		
DAVID ALGOOD	12,027	12,027	6,000	6,000	
BEN COLLISON	5,134				
CARLA MOREFIELD	4,051	4,051	4,051	4,051	
ROSE MASSEY	2,661	2,661			
RACHEL PILLAR	5,655	5,655	5,655	5,655	5,655
NICOLE GREGORY	4,083	4,083	4,083	4,083	
ANTHONY IANNAONE	3,391	3,391	3,391		
ERIC COGSWELL	5,715	5,715	5,715		

Exhibit

C

*[Signature]*  
 From Document 32  
 of Main Proceeding

Employee	Title	Responsibilities	Risk of Departure	Annual Salary	Hourly Rate	Est Monthly	Retention	Retention Formula
Karin Anderson	Director of Operations	Lead role in portfolio liquidation. Ability to navigate through the weeds of defaulting dealers. Only employee remaining with vast knowledge of executing the dealer agreement.	Favorable results for all creditors would be dramatically reduced and losses would increase. It's believed many employees would rather no longer work at AMAC than continue working without him direction.  In the words of the accounting mgr: Everyone else would huddle in a corner, cry and beg him to take us with him. Nobody wants to do his job!	\$ 120,000.00		\$ 10,000.00	\$ 10,000.00	1 month
Karen Palar	Accounting/HR Manager	Pay to financial reporting weekly, monthly, etc in addition to payroll, benefits and various other HR related duties.	One misstep on payroll would cause a mass exodus. Regarding her would be nearly impossible to understand internal accounting practices and extremely expensive. Even a short term absence could be crippling. To understand this job and our industry specific software would take 6+ months to begin to understand how the pieces all work together.	\$ 80,000.00		\$ 6,666.67	\$ 15,700.00	7 months. Unable to replace and no back-up
Tracie Hildan	Customer Service Manager	Manages aspects of AMAC portfolio servicing from creditbidding, training and repossessions.	Loyal employees will likely leave if she leaves. If others leave first, she will be required to source new employees.	\$ 55,000.00		\$ 4,583.33	\$ 7,500.00	Approx 1 1/2 months
Stephanie Cate	Intel/Liquidation Specialist	Take & Portfolio liquidation support for Robin Holstons. Steph has over 20 years experience in debt finance with vast overall knowledge and innate ability to learn and understand a variety of roles.	Barbara's knowledge of title processing related to lien release requirements. Strapping into liquidation specialist role that she would already have knowledge of a smooth and most successful liquidation.	\$ 75,000.00		\$ 6,250.00	\$ 6,250.00	1 month
Carla Moorefield	Titles	Final remaining member of title department. Working on training other employee on title process.	Backup knowledge of title processing related to lien release requirements.		\$ 18.00	\$ 1,120.00	\$ 4,000.00	approx 1 month
Rita Tey	Dealer Service Rep	Manage day to day liquidation of portfolio with dealers related to bankrupts, assisting dealers with posting payments and monitoring red flags.	None day to day work would fall onto Robin Holstons and take away his time spent with Holstons.		\$ 18.75	\$ 1,250.00	\$ 3,500.00	approx 1 month
Mia Evans	Dealer Service Rep/Customer Service Rep	Most flexible rep in the building skilled to work with customers or dealers.	Negative effect on bench strength and flexibility for the department.		\$ 16.50	\$ 1,050.00	\$ 3,500.00	approx 1 month
Christie Galtney	Customer Service Rep High Risk Accounts	Strongest skill set in the building handling high risk accounts.	Her departure would lead to fewer available reps and more strategic charge off skip losses.		\$ 17.00	\$ 1,080.00	\$ 3,000.00	approx 1 month
Heidi Gregory	Accounting	Prepares the weekly cash dealer statements, HR backup for payroll, processes daily ACH transactions, manages the entire Accounts Payable for AMAC.	Her presence allows the Accounting/HR Manager the freedom to handle all issues related to the BK as well as payroll and the monthly financial statement reporting. Her departure would force the manager to sideline several key tasks to cover the workload.	\$ 17.50	\$ 1,083.33	\$ 4,500.00		1.5 months. Main accounting backup. Replacement extremely challenging.

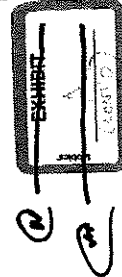


Exhibit  
D

From Document 68  
of the main proceeding

*[Handwritten signature]*

EXHIBIT  
E

# The Hender son Law Firm

1201 HARDING PLACE  
CHARLOTTE, NORTH CAROLINA 28204

TELEPHONE  
704.333.3444

JAMES H. HENDERSON †  
JHENDERSON@TITLE11.COM

June 12, 2018

Dear AMAC Customer,

I represent Ace Motor Acceptance Corporation ("AMAC") in connection with a Chapter 11 bankruptcy case, pending in the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, as Case No. 18-30426.

I am writing to you regarding the automobile you purchased from McCoy Motors and/or Ride Fast. AMAC previously purchased your retail installment contract from the dealer. AMAC previously supplied you with a copy of the purchased contract, along with written notice dated 5/17/18. Additionally, a second written notice was mailed to you by AMAC stating that **McCoy Motors LLC and Ride Fast are no longer authorized to accept any of your payments**. You should not make do not make any further payments to the dealer directly or indirectly, because your contract belongs to AMAC, and AMAC cannot guarantee any payments made to the dealership will be credited to your account.

AMAC being in a bankruptcy proceeding has nothing to do with the proper application of your payments, and any suggestion otherwise by McCoy Motors is contrary to the U.S. Bankruptcy Code. If you have any questions or concerns, please contact me at my email address above. Unfortunately, due to fact that I work alone means that I won't be able to answer telephone calls.

Sincerely,

**The Henderson Law Firm**

/s/ Jim Henderson

